

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

_____	)	
<b>STRATAGENE CORPORATION,</b>	)	
a Delaware Corporation,	)	
	)	
<i>Plaintiff,</i>	)	Civil Action No. 05-275-SLR
	)	
v.	)	JURY TRIAL DEMANDED
	)	
<b>THIRD WAVE TECHNOLOGIES, INC.</b>	)	
a Delaware Corporation,	)	
	)	
<i>Defendant.</i>	)	
_____	)	

**STIPULATION AND ORDER TO AMEND SCHEDULING ORDER**

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that the November 29, 2005 Scheduling Order is amended as follows:

2(d): If willfulness has been asserted and absent agreement among the parties, defendant must inform plaintiff as to whether it intends to rely on advice of counsel by **November 2, 2006**. If the decision is to rely on such advice, the scope of discovery shall include the materials provided by defendant to its counsel and whatever other materials related to the issues in dispute that defendant had in its possession at the time the advice was sought.

2(f)(1): The court shall conduct in-person discovery status conferences on **October 24, 2006** at **2:30 p.m.** the time to be allocated equally among the parties.

All other deadlines as set forth in the Court's November 29, 2005 Scheduling Order shall remain in full force and effect.

Dated: October 10, 2006

/s/ David E. Moore

Richard L. Horwitz (I.D. No. 2246)  
David E. Moore (I.D. No. 3983)  
POTTER ANDERSON & CORROON  
Hercules Plaza  
1313 Market Street  
Wilmington, Delaware 19899-0951  
302.984.6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)

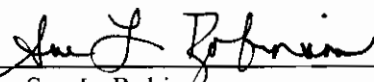
*Counsel for Plaintiff  
Stratagene Corporation*

/s/ Richard K. Herrmann

Richard K. Herrmann (I.D. No. 405)  
MORRIS JAMES HITCHENS  
& WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
302.888.6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

*Counsel for Defendant  
Third Wave Technologies, Inc.*

SO ORDERED this 12<sup>th</sup> day of October, 2006.

  
\_\_\_\_\_  
Judge Sue L. Robinson

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